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Of Attorneys for Plaintiff, Jaime Gambrell

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON

GAMBRELL, JAIME)	Case No.: 3:15-CV-02213-MO
)	
Plaintiff,)	
)	
v.)	
)	PLAINTIFF'S PETITION FOR FEES
NANCY A. BERRYHILL,)	PER EQUAL ACCESS TO JUSTICE
Acting Commissioner,)	ACT
Social Security Administration)	
)	
Defendant)	
)	

On January 6, 2017 the Court entered a judgment remanding this case to the Commissioner for further administrative proceedings. Plaintiff moves the Court for an order awarding attorney fees in the amount of \$8,321.38 as provided in the Equal Access to Justice Act (EAJA), 28 USC 2412(d).

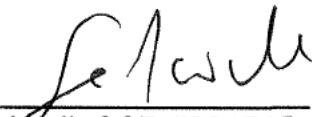
Plaintiff's counsel represents claimants in disability matters before the Social Security Administration, the Oregon Workers Compensation Board, and the Office of Workers Compensation Programs of the U.S. Department of Labor. Counsel primarily represents claimants in administrative proceedings, but occasionally represents claimants in appeals, as in the present situation.

Counsel's Statement of Services is attached as Exhibit A detailing the time

expended in this case. Counsel's retainer agreement, providing that Plaintiff has assigned any EAJA fee to her attorney, is attached as Exhibit B.

Opposing counsel has no objection.

Dated: March 16, 2017.



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Attorney for Plaintiff, Jaime Gambrell

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JAIME GAMBRELL,)	Case No.: 3:15-CV-02213-MO
)	
Plaintiff,)	
)	
v.)	ORDER AWARDING ATTORNEY
)	FEEES PER 28 USC 2412(d)
)	
CAROLYN COLVIN, Commissioner,)	
Social Security Administration)	
)	
Defendant.)	
)	

It is hereby ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, an attorney fee in the amount of \$8,321.38 is awarded to Plaintiff. It is ordered that the attorney fee will be paid to Plaintiff's attorney, dependent upon verification that Plaintiff has no debt which qualifies for offset against the awarded fees, pursuant to the Treasury Offset Program as discussed in *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010). If Plaintiff has no such debt, then the check shall be made payable to Plaintiff's attorney, George J. Wall, and mailed to Plaintiff's attorney's mailing address at: 1336 E. Burnside St., Suite 130, Portland OR 97132. If Plaintiff has such debt, then the check for any remaining funds after offset of the debt shall be made payable to Plaintiff and mailed to Plaintiff's attorney's mailing address stated above.

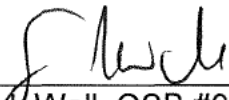
IT IS SO ORDERED this 22 day of March, 2017.

/s/ Michael W. Mosman

UNITED STATES DISTRICT JUDGE

Proposed Order submitted:

Date: March 16, 2017


George J. Wall, OSB #934515
gwall@eastpdxlaw.com
Phone No.: 503-236-0068
Fax No.: 503-236-0028
Attorney for Plaintiff, Jaime Gambrell

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Plaintiff's PETITION FOR APPROVAL OF FEES PER EAJA and PROPOSED ORDER were filed with the Clerk of the Court on March 16, 2017, using the CM/ECF system, which will send notification of such filing to the following:

Lisa Goldoftas Lisa.Goldoftas@ssa.gov, OGC.Seattle.ECF@ssa.gov

Jeffrey R. McClain jeffrey.mcclain@ssa.gov, OGC.Seattle.ECF@ssa.gov

Janice E Hebert Janice.Herbert@usdoj.gov, trudylee.fleming@usdoj.gov,
Jan.Sands@usdoj.gov, laura.franzen@usdoj.gov

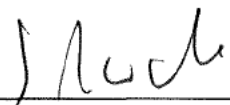

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Attorney for Plaintiff, Jaime Gambrell

Exhibit A
 Jamie Gambrell
 Statement of Services

Date	Time	Rate	Total	Description
11/15/2015	0.50	\$190.28	\$95.14	Review AC decision and record; tcto client
12/14/2015	0.30	\$190.28	\$57.08	Prepare complaint and summons
12/14/2015	0.20	\$190.28	\$38.06	Corr with client to update status
6/2/2016	7.50	\$192.68	\$1,445.10	Begin review of transcript
6/3/2016	6.75	\$192.68	\$1,300.59	Continue research and opening brief preparation
6/6/2016	8.50	\$192.68	\$1,637.78	Proof and finalize opening brief
9/26/2016	4.25	\$192.68	\$818.89	Review defense brief and record
9/27/2016	3.75	\$192.68	\$722.55	Continue research and reply brief preparation
9/28/2016	3.75	\$192.68	\$722.55	Proof and finalize reply brief
1/1/2017	1.90	\$192.68	\$366.09	Review record, prepare for oral argument
1/5/2017	2.40	\$192.68	\$462.43	Review record, prepare for oral argument
1/5/2017	2.00	\$192.68	\$385.36	Travel to and attend oral argument
1/6/2017	0.30	\$192.68	\$57.80	Review order; letter to client
1/18/2017	0.60	\$192.68	\$115.61	Prepare fee petition
1/26/2017	0.30	\$192.68	\$57.80	Review stipulated motion of addtl. Findings
2/2/2017	0.20	\$192.68	\$38.54	Proposed fee petition to opposing counsel
Total	43.20	\$192.68	\$8,321.38	

EXHIBIT A

RETAINER AGREEMENT
Social Security Administration Claims

I am a claimant under the Social Security Act and I hereby retain the Law Offices of George J. Wall as my attorney to take all action necessary and proper in my behalf to represent me and my family in connection with my claim for Social Security benefits.

There will be no attorney fee unless I receive Social Security benefits. I understand that for a fee to be payable, the Social Security Administration must approve any fee my attorney charges or collects from me for services provided before the Social Security Administration in connection with my claim for benefits.

I understand that my attorney will be paid a fee only if he is successful in obtaining benefits on my behalf. If my claim is allowed at the administrative law judge level (with or without a hearing), then I agree that my attorney's fee will be 25% of my back benefits. That fee will be capped at the amount as determined by the Commissioner of the Social Security Administration, currently \$6,000.00. If my claim proceeds beyond the level of the Appeals Council then my fees will be 25% of past due benefits, and any fee cap will be inapplicable.

I understand that Social Security past-due benefits are the total amount of money to which I and any auxiliary beneficiaries become entitled to through the month before the month the Social Security Administration effectuates a favorable administrative determination or decision on my Social Security claim and that Supplemental Security Income (SSI) past-due benefits are the total amount of money for which I become eligible through the month the Social Security Administration effectuates a favorable administrative determination or decision on my SSI claim.

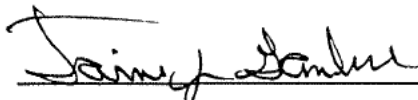
If my case is before a court that awards payment of attorney fees per the Equal Access to Justice Act (EAJA) by the government, I hereby assign any court awarded EAJA attorney fees and costs to my attorney, and my attorney is to be paid those fees and costs directly. The court awarded EAJA fees may reduce or replace the amount of the fees that will be paid to my attorney out of my past-due benefits, or may be paid to my attorney in addition to a fee equal to 25% of past due benefits. In no case will the amount of fees paid to my attorney from my past due benefits be greater than 25% of my past due benefits.

If, after reasonable investigation my attorney should find that my claim is not well supported by facts or law, my attorney may withdraw from representing me.

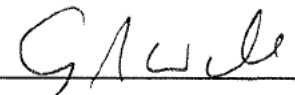
I agree to pay my attorney the costs or expenses incurred by him, including the cost of medical reports, vocational reports, examinations, or conference with my doctors, filing fees, court costs, and the costs related to the testimony of my doctors or other expert witnesses.

I understand that when my case is concluded, my attorney will not retain my medical records and will have those records shredded. I will have 30 days after my case is concluded to request my medical records from my attorney, before those records are destroyed.

I have reviewed and signed this document on 6-14-13.
Date



Client Signature



George J. Wall